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Letter dated 3 October 2017 from the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) addressed to the President of the Security Council

On behalf of the Committee established pursuant to resolution 1718 (2006), I have the honour to transmit herewith the report of the Committee dated 3 October 2017, submitted in accordance with paragraph 6 of Security Council resolution 2375 (2017) (see annex).

I would appreciate it if the present letter and its annex were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Sebastiano **Cardi**
Chair
Security Council Committee established
pursuant to resolution 1718 (2006)

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Annex

Report of the Security Council Committee established pursuant to resolution 1718 (2006) prepared in accordance with paragraph 6 of resolution 2375 (2017)

On 11 September 2017, the Security Council, by its resolution 2375 (2017), decided to apply the measures imposed by it in paragraph 6 of resolution 2371 (2017) on vessels transporting prohibited items from the Democratic People's Republic of Korea, and directed the Committee to designate these vessels and to report to the Council within 15 days of the adoption of resolution 2375 (2017).

In order to fulfil these tasks, the Committee considered a list of vessels for designation in accordance with paragraph 6 of resolution 2375 (2017).

On 3 October 2017, the Committee acted in line with the Security Council's directive and approved the following list of vessels for designation:

1. PETREL 8, IMO: 9562233, MMSI: 620233000
2. HAO FAN 6, IMO: 8628597, MMSI: 341985000
3. TONG SAN 2, IMO: 8937675, MMSI: 445539000
4. JIE SHUN, IMO: 8518780, MMSI: 514569000

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General Assembly
Seventy-second session
Agenda items 35, 40, 70, 72 and 84

Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Elimination of racism and racial discrimination, xenophobia and related intolerance

Promotion and protection of human rights

The rule of law at the national and international levels

Security Council
Seventy-second year

Letter dated 3 October 2017 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

In connection with the letter from the Permanent Representative of the Republic of Armenia to the United Nations (A/71/1030-S/2017/727), I would like to draw your attention to the following issues.

It is a well-established fact that Armenia used military force to seize a part of the territory of the Republic of Azerbaijan, including the Nagorno-Karabakh region, the seven adjacent districts and some exclaves, and to set up the subordinate separatist regime there.

The war waged by Armenia claimed the lives of tens of thousands of people, ruined cities and livelihoods and resulted in the forcible expulsion of more than 1 million Azerbaijanis from their homes and properties, while thousands of people went missing in connection with the conflict. The most serious crimes of concern to the international community, such as war crimes, crimes against humanity, genocide and ethnic cleansing, have been committed by the Armenian forces in the course of the aggression.

In contrast to Armenia's assertions and notwithstanding the various papers it circulates in the United Nations and other international organizations on behalf of the puppet regime it has set up in the occupied territories of Azerbaijan, which are null and void ab initio, the illegality of that regime has been repeatedly stated at the international level in the most unambiguous manner. Below are some examples.

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In its resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), the Security Council condemned the use of force against Azerbaijan and the bombardment and occupation of its territories and reaffirmed respect for the sovereignty and territorial integrity of Azerbaijan, the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory. In response to Armenia's territorial claims and forcible actions, the Council reconfirmed that the Nagorno-Karabakh region is an integral part of Azerbaijan and demanded the immediate, complete and unconditional withdrawal of the occupying forces from all the occupied territories.

In the resolutions, the Security Council acknowledged the fact that acts of military force were committed against Azerbaijan; that such actions are unlawful and incompatible with the prohibition of the use of armed force in international relations and in contradiction with the Charter of the United Nations and its purposes; and that they constitute an obvious violation of the sovereignty and territorial integrity of Azerbaijan.

It is important to note that the Security Council adopted its resolutions after the Armenian inhabitants of the Nagorno-Karabakh region of Azerbaijan had unilaterally declared "independence", thus making it absolutely clear that said declaration had no legal effect whatsoever.

The numerous documents adopted by other authoritative international organizations are framed along the same lines.

Armenia's persistent denial of its responsibility for the aggression against Azerbaijan and unlawful occupation of and military presence in my country's territory has been effectively put to an end by the Grand Chamber of the European Court of Human Rights in its landmark judgment (Merits) of 16 June 2015 in the case of *Chiragov and others v. Armenia*. The Court ruled in favour of the applicants, who are the six Azerbaijani nationals forcibly displaced from the occupied Lachyn district of Azerbaijan, recognizing continuing violations by Armenia of a number of their rights under the Convention for the Protection of Human Rights and Fundamental Freedoms.

Having examined the evidence presented, the Court, inter alia, came to the following conclusions:

- "The Republic of Armenia, through its military presence and the provision of military equipment and expertise, has been significantly involved in the Nagorno-Karabakh conflict from an early date";
- "This military support has been — and continues to be — decisive for the conquest of and continued control over the territories in issue";
- The separatist regime in those territories "survives by virtue of the military, political, financial and other support given to it by Armenia which, consequently, exercises effective control over Nagorno-Karabakh and the surrounding territories...".[1]

The Court also confirmed its conclusion from the admissibility decision of 14 December 2011, according to which the separatist entity "is not recognized as a State under international law by any countries or international organisations..." and, "against this background, the invoked laws cannot be considered legally valid for the

[1] *Chiragov and others v. Armenia*, Grand Chamber of the European Court of Human Rights, Judgment (Merits) of 16 June 2015, application No. 13216/05, paras. 180, 183, 185, 186.

purposes of the Convention and the applicants cannot be deemed to have lost their alleged rights to the land in question by virtue of these laws...".[2]

Consequently, the separatist regime established by Armenia in the occupied territory of Azerbaijan is ultimately nothing other than the product of aggression, racial discrimination and ethnic cleansing; the regime is under the direction and control of Armenia.

Regarding the attempts of Armenia to change the geographic name of a part of Azerbaijan's internationally recognized territory, their invalidity stems from a clear violation of international law, the Constitution and the legislation of Azerbaijan and the principles and procedures for international standardization of geographical names established within the United Nations.

In reality, by propagating the existence of a puppet separatist regime, Armenia denies the facts and patently demonstrates its total disregard for the position of the international community and its unwillingness to comply with the generally accepted norms and principles of international law.

Armenia's allegation of the existence of a "strategy of Azerbaijan aimed at expelling the indigenous population of Artsakh from its ancestral homeland" represents another falsehood. There is a solid body of documented evidence that easily refutes this fake narrative.

The facts show that the Armenians appeared in what they call their "ancestral homeland" only in the nineteenth century. Their subsequent mass resettlement in the South Caucasus and attempts at territorial expansion have laid the basis for long-term instability, tensions and conflicts in the region that continue to date and have been accompanied by massacres and forcible deportations of the Azerbaijani population.[3]

Suffice it to mention that, over the 70 years of Soviet rule, the territory of Armenia has increased from 8,000-10,000 km^2 to 29,800 km^2.[4] This was achieved as a result of political manipulations aimed at altering the demographic and territorial structure that existed at that time, the consequences of which were the inclusion, in 1920, of the western part of the Zangazur region of Azerbaijan in Armenia, thus cutting off the Nakhchyvan region of Azerbaijan from the rest of the country.

Moreover, although the mountainous part of Karabakh was given the status of autonomous oblast in the Soviet Socialist Republic of Azerbaijan (Azerbaijan SSR) in July 1923, its administrative boundaries were defined in such a way as to carve out the Azerbaijani villages and artificially create a new demographic composition in the region. At the same time, a population of more than half-a-million Azerbaijanis compactly residing at that period in Armenia has not only been refused the same privilege, but has been forced in the years since to leave their homelands there.

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[2] Ibid., paras. 148 and 182.

[3] See the report entitled *The Armed Aggression of the Republic of Armenia against the Republic of Azerbaijan: Root Causes and Consequences* (A/64/475-S/2009/508), and the "Commentary to the remarks made by President Serzh Sargsyan of the Republic of Armenia at the Third International Forum of Moscow State Institute of International Relations Alumni", held on 23 October 2015 in Yerevan, Armenia. Available from www.mfa.gov.az/files/file/MFA_Commentary_to_the_remarks_by_Serzh_Sargsyan.pdf.

[4] See, for example, G. Galoyan, *Struggle for the Soviet Rule in Armenia* (Moscow, State Publishing House of Political Literature, 1957); S. P. Agayan, *Great October and Struggle of Labours in Armenia for the Victory of the Soviet Rule* (Yerevan, Publishing House of the Academy of Sciences of the Armenian SSR, 1962); E. C. Sarcissian, *Expansionary Policy of the Ottoman Empire in Transcaucasia on the Eve and in the Years of the First World War* (Yerevan, Publishing House of the Academy of Sciences of the Armenian SSR, 1962); *History of the Armenian People* (Yerevan, Yerevan University Press, 1980).

Despite the fact that the Nagorno-Karabakh autonomous oblast of the Azerbaijan SSR possessed all essential elements of self-government, nationalistic circles in Armenia and their outside ideologists have never given up the idea of further territorial expansionism. As a result, at the end of 1987, the Armenia SSR openly laid claim to the territory of the Nagorno-Karabakh autonomous oblast of Azerbaijan and soon after resorted to terrorist and armed activities that led to a large-scale war with devastating consequences.

Armenia's speculations about the human rights of the ethnic group residing in the occupied Nagorno-Karabakh region of Azerbaijan are nothing but another futile effort to cover up its annexationist policy, to create a wrong impression of the real situation on the ground and to deflect the attention of the international community from the urgent need to address the main problems caused by the continuing aggression against Azerbaijan and the resulting military occupation of its territories.

By its preposterous interpretation of the Charter of the United Nations, the Universal Declaration of Human Rights and the international human rights treaties, Armenia not only demonstrates unfamiliarity with their drafting history, but also with their object and purpose, as well as the letter and spirit of those documents.

None of the commitments on human rights protection constitute preferential treatment for any State, group or person, or may be interpreted as implying any right to engage in any activity or perform any action in contravention of the purposes and principles of the Charter of the United Nations and other obligations under international law, including particularly those relating to the sovereignty and territorial integrity of States. All human rights instruments contain the special provisions against politically motivated misinterpretations, such as those resorted to by Armenia.

It is worth recalling article 29 (3) of the Universal Declaration of Human Rights, which specifically notes that "these rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations". Article 30 of the Universal Declaration is even more unequivocal in stressing that "nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein".

Common article 1.2 of the International Covenant on Economic Social and Cultural Rights and the International Covenant on Civil and Political Rights focuses on "the principle of mutual benefit and international law", while common article 5.1 of both Covenants stipulates that "nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant". According to articles 24 and 25 of the International Covenant on Economic Social and Cultural Rights and articles 46 and 47 of the International Covenant on Civil and Political Rights, "nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations..." and "... the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources".

By quoting article 9 of the Charter of Economic Rights and Duties of States, Armenia omits to mention that the same document reaffirms, among the fundamental principles governing inter-State economic relations, the sovereignty, territorial integrity, political independence and sovereign equality of all States, non-aggression and non-intervention. The Charter also stresses, in article 2, that "every State has and shall freely exercise full permanent sovereignty, including possession, use and disposal, over all its wealth, natural resources and economic activities". In article 16, the Charter

emphasizes that "it is the right and duty of all States, individually and collectively, to eliminate colonialism, apartheid, racial discrimination, neo-colonialism and all forms of foreign aggression, occupation and domination, and the economic and social consequences thereof, as a prerequisite for development". The same article also states that "no State has the right to promote or encourage investments that may constitute an obstacle to the liberation of a territory occupied by force" (see General Assembly resolution 3281 (XXIX), articles 12 and 16).

The Declaration on the Right to Development, to which Armenia also refers, considers in particular "that the elimination of the massive and flagrant violations of the human rights of the peoples and individuals affected by situations such as those resulting from colonialism, neo-colonialism, apartheid, all forms of racism and racial discrimination, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity and threats of war would contribute to the establishment of circumstances propitious to the development of a great part of mankind" and recalls the obligations of States in that regard. The Declaration also points out, in article 3 (2), that "the realization of the right to development requires full respect for the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations".[5]

It is no coincidence that, by recalling selectively the relevant provisions of the Charter of Economic Rights and Duties of States (article 9) and the Declaration on the Right to Development (article 3), which emphasize the obligations of States to cooperate with each other in various fields, Armenia fails to provide a single piece of evidence of the existence of any successful example of such cooperation, of which one is an aggressor and the other is the object of the aggression. It would be nonsense for a country whose territory is under military occupation, whose hundreds of thousands of citizens were subjected to atrocious crimes and notorious ethnic cleansing, to provide the aggressor access to its territory and engage with it in any economic and trade relations.

To summarize, the aforementioned documents make it absolutely clear that no right can be exercised at the expense of the violation of the rights of others; that States have and shall exercise full sovereignty over their wealth, natural resources and economic activities; and that cooperation with a view to ensuring development is possible when the situations that emerged as a result of flagrant violations of international law, such as racism and racial discrimination, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity, are eliminated.

Furthermore, human rights and fundamental freedoms are universal, embrace all humanity, and respect for these rights must be accorded on an equal and non-discriminatory basis. As reaffirmed in the Vienna Declaration and Programme of Action in 1993, "all human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis" (see A/CONF.157/24 (Part I), chap. III, para. 5).

In contrast, having implemented a "scorched earth policy", qualified as unacceptable and vigorously condemned by the Organization (then Conference) for Security and Cooperation in Europe,[6] Armenia now refuses even to accept the existence of the Azerbaijani community of the Nagorno-Karabakh region of Azerbaijan.

[5] General Assembly resolution 41/128, ninth paragraph of the preamble; and articles 3 (2) and 5.

[6] CSCE Communication No. 301, Prague, 19 November 1993.

Against that background, Armenia's frequent speculations on confidence-building measures represent yet another mean in its futile efforts to mislead the international community. Evidently, Armenia's perception of such measures is limited to those that would only consolidate and prolong the occupation of the territories of Azerbaijan. References by Armenia to confidence-building are also curious insofar as Armenia persistently opposes direct contact between the Azerbaijani and Armenian communities of the Nagorno-Karabakh region of Azerbaijan.

It is apparent that Armenia's policy and practices are based on exclusion and discrimination on ethnic grounds and are aimed at legitimization of the results of the unlawful use of force and ethnic cleansing.

It gives rise to the obvious conclusion that Armenia cannot demand privileges at the very core of which are gross and systematic violations of international law, including international humanitarian and human rights law, and the discriminatory denial of fundamental rights and freedoms with respect to others, in particular the significantly larger Azerbaijani population that was expelled and prevented from returning to their homes and properties in both Armenia and the occupied territories of Azerbaijan.

Armenia and its affiliates in the occupied territories of Azerbaijan are responsible for internationally wrongful acts, several of which constitute serious breaches of obligations arising from peremptory norms of general international law (jus cogens). These include, most notably: (a) the use of force in order to impose the de facto secession of the Nagorno-Karabakh region and the other districts of Azerbaijan occupied by Armenia in violation of the Charter of the United Nations; (b) the ensuing violation of the sovereignty and territorial integrity of Azerbaijan; (c) the ethnic cleansing of the occupied territories of Azerbaijan, including the establishment of settlements and the implantation of ethnic Armenian settlers with a view to changing the demographic composition of those territories; (d) the gross violation of the laws and customs of war; (e) the exploitation of the natural resources of the occupied territories without consideration for the primacy of the interests of the population (as it existed before the ethnic cleansing of the region); and (f) the alteration of the cultural heritage of the region.[7]

Armenia's responsibility, which is incurred by its internationally wrongful acts, involves legal consequences manifested in the obligation to cease these acts, to offer appropriate assurances and guarantees that they will not recur and to provide full reparation for injury.[8]

As long as Armenia's internationally wrongful acts continue, Azerbaijan is entitled to react by exercising its inherent right of self-defence, in conformity with the Charter of the United Nations and international law,[9] as well as by taking non-forcible countermeasures in order to procure the cessation of such acts and to achieve reparation for the injury.[10]

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[7] See, for example, Alain Pellet, *Legal opinion on third party obligations with respect to illegal economic and other activities in the occupied territories of Azerbaijan* (A/71/880-S/2017/316, annex); Malcolm N. Shaw, *Report on the international legal responsibilities of Armenia as the belligerent occupier of Azerbaijani territory* (A/63/692-S/2009/51, annex); and Malcolm N. Shaw, *Report on the international legal rights of the Azerbaijani internally displaced persons and the Republic of Armenia's responsibility* (A/66/787-S/2012/289, annex).

[8] James Crawford, *The International Law Commission's Articles on State Responsibility: Introduction, Text and Commentaries* (Cambridge, Cambridge University Press, 2002), arts. 28-39.

[9] See A/63/662-S/2008/812; and Crawford, *The International Law Commission's Articles on State Responsibility*.

[10] Crawford, *The International Law Commission's Articles on State Responsibility*.

It is unequivocally clear that countermeasures undertaken by Azerbaijan in order to ensure the safety of its citizens and protect their rights, defend the State's sovereignty and restore the situation of legality are in full accordance with the Charter of the United Nations and international law.

Moreover, serious breaches by Armenia of obligations under peremptory norms of general international law give rise to additional consequences, which include, inter alia, duties of States to cooperate in order to bring to an end a serious breach by lawful means, not to recognize as lawful a situation created by such breach, nor render aid or assistance in maintaining that situation.[11] The maxim *ex injuria ius non oritur* provides the basis for the obligation of non-recognition; that is, a legal right cannot stem from an unlawful act. As territory cannot be acquired by the unlawful use of force, States are obliged to not give legal credence — recognition of authority over the territory — to the unlawful acquisition.[12] It is, at a minimum, intended to prevent "the validation of an unlawful situation by seeking to ensure that a fait accompli resulting from serious illegalities do not consolidate and crystallize over time into situations recognized by the international legal order".[13]

As a firmly established specific technique for dealing with illegal regimes, the duty of collective non-recognition and abstention from aid or assistance that contributes to the consolidation of the illegal situation have been applied in connection with the unlawful acts of Armenia. As noted above, the Security Council and other international political and judicial institutions have invalidated the separatist regime, established by Armenia in the occupied territories of Azerbaijan, and thus resolutely prevented, once and for all, crystallization of claims by Armenia over those territories. Furthermore, not only Azerbaijan, but also a number of other States Members of the United Nations, in their efforts to limit the consequences of gross violations of international law by Armenia, refrain from either establishing diplomatic or consular relations with Armenia or minimizing them, as well as from entering into economic and trade cooperation with it.

In that regard, Armenia's mention of the advisory opinion of the International Court of Justice on *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South-West Africa) notwithstanding Security Council Resolution 276 (1970)* merits particular attention.

In the opinion, the International Court held that the presence of South Africa in the mandated territory, following the revocation of the mandate, was illegal, and then went on to consider the legal effects for States of the illegality. The Court attributed substantial legal content to the duty of non-recognition, stating in that connection that the States Members of the United Nations are "under obligation to recognize the illegality and invalidity of South Africa's continued presence in Namibia" and to refrain "from lending any support or any form of assistance to South Africa with reference to its occupation of Namibia".[14]

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[11] Ibid., arts. 40-41; and General Assembly resolution 62/243, operative para. 5.

[12] See James Crawford, "Opinion on third party obligations with respect to Israeli settlements in the Occupied Palestinian Territories" (2012). Available from www.tuc.org.uk/sites/default/files/tucfiles/LegalOpinionIsraeliSettlements.pdf, para. 46.

[13] See Martin Dawidowicz, "The obligation of non-recognition of an unlawful situation, in James Crawford, Alain Pellet and Simon Olleson, eds., *The Law of International Responsibility* (Oxford, Oxford University Press, 2010).

[14] *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South-West Africa) Notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971*, paras. 118-119; see also, James Crawford, *The Creation of States in International Law*, 2nd ed. (Oxford, Oxford University Press, 2006).

To summarize, according to the Court, non-recognition implied abstention from treaty relations concerning Namibia; cessation of "active intergovernmental co-operation" under existing bilateral treaties relating to Namibia; abstention from all diplomatic or consular activity in Namibia, and, notably, abstention from "economic and other forms of relationship or dealing with South Africa on behalf or concerning Namibia which may entrench its authority over the Territory".[15]

By mentioning the *Namibia* Opinion, Armenia actually admits that the aforementioned conclusion of the International Court in that case is applicable by analogy to its own policy and practices with regard to the Nagorno-Karabakh region and other occupied territories of Azerbaijan. Thus, Armenia confesses that its presence in the territories of Azerbaijan is illegal; that its actions are in violation of international law and must entail the special consequences, namely: the non-recognition of the illegal situation; the prohibition of aid or assistance in maintaining it; and the responsibility of the world community to ensure strict compliance by Armenia with its international obligations.

In its *Namibia* opinion, the International Court also introduced an element of flexibility in the doctrine of non-recognition, by stating that:

> "In general, the non-recognition of South Africa's administration of the Territory should not result in depriving the people of Namibia of any advantages derived from international co-operation. In particular, while official acts performed by the Government of South Africa on behalf of or concerning Namibia after the termination of the Mandate are illegal and invalid, this invalidity cannot be extended to those acts, such as, for instance, the registration of births, deaths and marriages, the effects of which can be ignored only to the detriment of the inhabitants of the Territory".[16]

Attempts by Armenia to whitewash its annexationist policy and illegal actions by misinterpreting this specific opinion of the Court are groundless. Suffice it to recall some authoritative views in that regard.

Thus, one of the Court's judges on the case noted, in particular, that "other States should not regard as valid any acts and transactions of the authorities in Namibia relating to public property, concessions, etc".[17]

James Crawford clarified that "the obligation [of non-recognition] has an inherent flexibility that will permit (or, at least, not expressly prohibit) the acceptance of acts which do not purport to secure or enhance territorial claims, but which as a result of their commercial, minor administrative or 'routine' character, or which are of immediate benefit to the population, should be regarded as 'untainted by the illegality of the administration'". He further adds that "[examples] of such "untainted" acts could include the registration of a birth or the sale of milk from a local settlement store...".[18]

According to James G. Stewart, "attempts by the then South African government to grant title in Namibian natural resources were 'illegal and invalid,' since the expropriation of natural resources could hardly be reconciled with the humanitarian

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[15] *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South-West Africa) Notwithstanding Security Council Resolution 276 (1970)*, para. 124.

[16] Ibid., para. 125; see also, Crawford, *The Creation of States in International Law*.

[17] *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South-West Africa) Notwithstanding Security Council Resolution 276 (1970)* (Separate opinion of Judge De Castro).

[18] Crawford, "Opinion on third party obligations with respect to Israeli settlements in the Occupied Palestinian Territories", para. 51. Available from www.tuc.org.uk/sites/default/files/tucfiles/LegalOpinionIsraeli Settlements.pdf. .

exceptions to the general rule — expropriating natural resources is not analogous with registering births, deaths, and marriages".[19]

Indeed, it is hard to imagine that, by mentioning the specific humanitarian exceptions with regard to a particular situation under its advisory proceeding, such as the registration of births, deaths and marriages, the International Court had in mind unlimited trade and economic activities of all the occupants throughout the world, at the core of which would be their own economic benefit from the exploitation of resources and other wealth in the occupied territories.

It is well established that the illegal economic and other activities in the occupied territories of Azerbaijan have turned into a lucrative business and are one of the sources of income for Armenia and the puppet regime it has set up in those territories. Armenia is seeking to prolong the occupation in order to retain control over mineral, agricultural and water resources in those territories and expropriates their wealth for its own economic benefit.[20]

Above all, attempts to change the demographic composition of the occupied territories of Azerbaijan existed before the outbreak of the conflict by artificially increasing the number of Armenians there and preventing the return to their homes and properties of hundreds of thousands of Azerbaijani internally displaced persons, along with the destruction and appropriation of property, the exploitation and pillage of natural resources and other wealth in the occupied territories can in no way be humanitarian in nature and consistent with human rights standards.

The total disruption of all relations between Armenia and Azerbaijan, including economic, transport and energy links, is a direct consequence of Armenia's continuing military occupation of the territories of Azerbaijan. Obviously, with its policy of aggression and territorial claims towards its neighbours, Armenia bears sole responsibility for isolating itself from full-fledged regional cooperation and for the current dire economic situation facing the country and miserable conditions of life in the occupied territories of Azerbaijan.

The Security Council, in its resolutions 853 (1993), paragraphs 3 to 5, and 874 (1993), paragraph 5, clearly made the removal of all obstacles to communications and transportation conditional upon the immediate, complete and unconditional withdrawal of the Armenian occupying forces from the occupied territories of Azerbaijan.

In fact, the Armenian side, including at the highest political level, has also accepted that settlement of the conflict and respect for international law are the necessary preconditions for enabling economic cooperation. Thus, for example, in the joint declaration signed by the Presidents of Armenia, Azerbaijan and the Russian Federation on 2 November 2008, at Meiendorf Castle, the Russian Federation, inter alia, states that signatories will work towards a political settlement of the conflict on the basis of the principles and norms of international law and the resolutions and documents adopted in this framework, which will create favourable conditions for economic development and all-encompassing cooperation in the region.

International economic relations are governed by the fundamental principles of sovereign equality of States, non-aggression and respect for the sovereignty and territorial integrity of States. Peace and good neighbourly relations, based on full

[19] See James G. Stewart, *Corporate War Crimes: Prosecuting the Pillage of Natural Resources* (New York, Open Society Foundation, 2011), para. 69.

[20] See the report of the Ministry for Foreign Affairs of the Republic of Azerbaijan entitled *Illegal economic and other activities in the occupied territories of Azerbaijan* (A/70/1016-S/2016/711, annex).

respect for the aforementioned principles, are necessary prerequisites for economic cooperation between Armenia and Azerbaijan.

In the outcome document of the United Nations summit for the adoption of the post-2015 development agenda, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", the Heads of State and Government and High Representatives, meeting in New York in September 2015, stated that there could be no sustainable development without peace and no peace without sustainable development. They reaffirmed that "every State has, and shall freely exercise, full permanent sovereignty over all its wealth, natural resources and economic activity" and that they "will implement the Agenda for the full benefit of all, for today's generation and for future generations". They also reaffirmed their commitment to international law and "the need to respect the territorial integrity and political independence of States" (see General Assembly resolution 70/1, preamble and paras. 18 and 38).

The sooner Armenia withdraws its armed forces from the Nagorno-Karabakh region and other occupied territories of Azerbaijan, the earlier the conflict will be resolved and both countries and their peoples will benefit from the prospects of cooperation and economic development, thus enabling them to implement successfully the 2030 Agenda for Sustainable Development.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 35, 40, 70, 72 and 84, and of the Security Council.

(*Signed*) Yashar **Aliyev**
Ambassador
Permanent Representative